

REMARKS

In the Office action, the Examiner has determined that more than one species of a generic invention is presented, and has required applicant to elect a single species for prosecution on the merits. The Examiner has identified the following species:

Species I. Fig. 1c;

Species II. Fig. 4c;

Species III. Fig. 5c;

Species IV. Fig. 6b;

Species V. Fig. 7; and,

Species VI. Fig. 8.

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In response to this requirement, applicant elects species IV. Fig. 6b for prosecution on the merits, with traverse. It is respectfully submitted that claims 1-13, 15, and 19 read on the elected species. It is further submitted that, in addition to Species IV, claims 1-6, 10-13 and 19 are generic to at least one other species.

TRAVERSE

Although the Examiner has cited to the PCT Rules, applicant hereby submits that the Examiner has not applied the appropriate standard in determining whether more than one invention is presented by the claims of the present application. In this regard it is noted that election/restriction practice in the U.S. is not directly related to unity practice under the PCT. It is further noted that species/genus practice in the U.S. does not exist in international applications, and cannot be

applied to national stage applications in the U.S.

Initially, it is noted that the "unity" of the claims was implicitly acknowledged during the international phase by the ISA and the IPEA. Accordingly, it is submitted that under Article 27 of the PCT and 37 CFR 1.475, the USPTO cannot now properly require restriction. For this reason alone, the Examiner is asked to reconsider and withdraw the pending restriction requirement.

Further, according to PCT Rules 13.1 and 13.2, the unity requirement is met if a group of inventions is linked so as to form a general inventive concept – i.e., that there is a technical relationship among the inventions. The inventions have to share one or more of the same or corresponding special technical features. The expression "special technical features" means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In the present application, there is one independent claim (claim 1 - method for joining bodies) from which all claims depend. One series of dependent claims (i.e., claims 2-10) are method claims, a second series of dependent claims (11-18) are apparatus claims (joining element for use in the method of claim 1...), while a third dependent claim set (claim 19) is directed toward a joint made according to the method (of claim 1) with the prescribed apparatus (of claim 11). In any event, each of the claims contains the technical features of claim 1 as they depend, directly or indirectly, from claim 1. Accordingly, for at least this further reason the unity of invention requirement is satisfied.

Finally, the Examiner's attention is directed toward 37 CFR 1.475:

b) An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) A product and a process specially adapted for the manufacture of said product; or

(2) A product and process of use of said product; or

(3) A product, a process specially adapted for the manufacture of the said product, and a use of the said product; or

(4) A process and an apparatus or means specifically designed for carrying out the said process; or

(5) A product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process.

In the present case it is considered apparent that, under 37 CFR 1.475(b), the claims of the present application do, indeed, satisfy the unity of invention requirement since the claims are directed toward "A product and process of use of said product". For at least this further reason, restriction of the application is not required.

Based upon the foregoing, the Examiner is asked to reconsider and withdraw the restriction requirement in this case. Notice to that effect is respectfully requested.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. FRR-12806.

Respectfully submitted,

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